

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:17-CR-00136-H-1

UNITED STATES OF AMERICA :
 :
 v. :
 :
 JAVION SCOTT :

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of a Memorandum of Plea Agreement entered into by the defendant on March 12, 2018 and the Defendant's guilty plea to offenses in violation of 18 U.S.C. §922(g)(1) and 924, and further evidence of record and as presented by the Government, the Court finds that the following property is hereby forfeitable pursuant to 18 U.S.C. §924(d)(1), made applicable to this proceeding by virtue of 28 U.S.C. §2461(c), as firearms and ammunition used in knowing violation of 18 U.S.C. §§ 922 and 924:

- (a) a Glock, model 23, .40 caliber, semiautomatic pistol, bearing serial number LXY983;
- (b) a Springfield, model XD-40, .40 caliber, semiautomatic pistol, bearing serial number US382805;
- (c) a Kel Tec, model P3AT, 380 caliber, semiautomatic pistol, bearing serial number JSD33;
- (d) All magazines and related ammunition; and

WHEREAS, by virtue of said finding, the United States is now entitled to possession of said property pursuant to Fed. R. Crim. P. 32.2(b)(3);

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Guilty Plea and consent to forfeiture by the Defendant, JAVION SCOTT, the United States is hereby authorized to seize the above-stated property, and it is hereby forfeited to the United States for disposition in accordance with the law, including destruction, subject to the provisions of 21 U.S.C. §853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order is now final as to the Defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B).


3. That pursuant to 21 U.S.C. §853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the Defendant, having or claiming any legal interest in the subject property

must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853 and 28 U.S.C. § 2461(c), as required by Fed. R. Crim. P. 32.2(c)(2).

SO ORDERED. This 18th day of June, 2018.



MALCOLM J. HOWARD
United States District Judge